

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**ERIC MACCARTNEY and LUANNE
MUELLER, individually and on behalf of all
others,**

Plaintiffs,

v.

**GORDON, AYLWORTH, & TAMI, P.C.,
and VISION INVESTIGATIVE
SERVICE, LLC,**

Defendants.

Case No. 3:18-cv-568-AR

ORDER

Michael H. Simon, District Judge.

U.S. Magistrate Judge Jeffrey Armistead issued two Findings and Recommendations in this case on April 19, 2022. ECF 117; ECF 119. First, Judge Armistead recommended that the Court grant in part and deny in part Plaintiff's Motion for Attorney Fees (ECF 95). ECF 117. Second, Judge Armistead recommended that this Court grant the Unopposed Motion for Final

Approval of Class Action Settlement and Final Judgment (ECF 109). ECF 119. No party has filed an objection.

Under the Federal Magistrates Act (“Act”), the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). If a party files an objection to a magistrate judge’s findings and recommendations, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Magistrate Judge Armistead’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court **ADOPTS** Magistrate Judge Armistead’s Findings and Recommendations, ECF 117 and ECF 119. The Court grants in part and denies in part Plaintiffs’ Motion for Attorney Fees (ECF 95) and grants the Unopposed Motion for Final Approval of Class Action Settlement and Final Judgment (ECF 109).

IT IS SO ORDERED.

DATED this 9th day of May, 2022.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge